

# INSTRUCTIONS TO MR. SLIDELL.

## SPEECH

OF

# HON. WILLARD P. HALL, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, JANUARY 19, 1848.

*On the President's Message giving the reasons why he declined to give, to the House, in compliance with its call, the Instructions to Mr. Slidell.*

Mr. HALL said:

Mr. CHAIRMAN: It is with great reluctance that I decline giving way for a motion that the committee rise. But feeling that the speech of the honorable gentleman, who has just taken his seat, should be answered at once, I am constrained to proceed with my remarks without delay. If anything I may say shall appear harsh or unkind, I hope that I shall not be suspected of an intention to wound the feelings of any one on this floor. Such a design I most emphatically repudiate. If I shall speak warmly, it will be because I feel deeply the importance of the subject under discussion. In this connection, it may not be improper to state, that while I cannot expect to rival the peculiar and *fantastic eloquence* of the member from Mississippi, I do trust that I shall be as respectful as himself in manner, and fully as respectable in matter.

Sir, the subject which that gentleman has dragged by the ears into this debate has been announced as one of vast and transcendent importance. It has been declared to be "a trial of right between the President and the Representatives of the people of the United States." For having, through motives of public policy, and under convictions of solemn duty, declined to give us certain information, the Executive has been denounced as evincing the spirit of a tyrant, and striving for the powers of an emperor. Through the eagerness to find fault, the gentleman from Mississippi has overlooked the precedent of the illustrious Father of his Country, and charged Mr. Polk, for adopting the sentiments of Washington, with aiming at the overthrow of popular rights and the subversion of popular liberty. I was prepared to hear almost anything from the other side of this House; but I must express my amazement at the denunciations which have come from that quarter since the receipt of the message now upon the Speaker's table. What wrong has the President done by that communication? What crime has he committed? Why, sir, he has quoted the language of Washington with terms of approval, and declared his adherence to certain views of that great exemplar—

"The very head and front of his offending  
Hath this extent—no more."

And are gentlemen so blinded by party phrensy, or so infatuated by party attachments, as not to perceive that every blow struck at Mr. Polk falls upon

him he has imitated?—that every assault upon the character of the present Executive for having issued the message of the 12th instant, is a *direct* assault upon the character of Washington, whose pen first gave the doctrines of that message to the world, whose mind first conceived and whose tongue first uttered them? If Mr. Polk did wrong by writing that message, General Washington did wrong also. If Mr. Polk, in that communication, has advanced the doctrines of despotism, General Washington was guilty of the same offence. If Mr. Polk has attempted to destroy the usefulness of this House, General Washington attempted no less. And is it true that Washington, in his civil administration, essayed to destroy the fabric which, through eight years of war and bloodshed, he had built up? Is it true that, when President, he sought to be a monarch? Is it true that, when Chief Magistrate, he declared "that all Congress had to do was to hear his royal behests and obey his royal decrees? Is it true that the Father of his Country attempted to strangle our Republic in its cradle? This charge has been substantially made by the gentleman from Mississippi. He has asserted that the President, in his message to this House on Wednesday last, struck a blow at the independence of this body and the rights of the people. What is the ground on which is rested this startling and momentous accusation? I will read a short extract from that message in answer to this inquiry. Mr. Polk says :

"It has been a subject of serious deliberation with me, whether I could, consistently with my constitutional duty and my sense of the public interest involved and to be affected by it, violate an important principle, always heretofore held sacred by my predecessors, as I should do by a compliance with the request of the House. President Washington, in a message to the House of Representatives of the 30th of March, 1796, declined to comply with a request contained in a resolution of that body, to lay before them a copy of the instructions to the minister of the United States who negotiated the treaty with the King of Great Britain, together with the correspondence and documents relative to said treaty, 'excepting such of said papers as any existing negotiations may render *improper to disclose*.' In assigning his reasons for declining to comply with the call, he declared, that 'the nature of foreign negotiations requires caution, and their success must often depend on secrecy, and even when brought to a conclusion, a full disclosure of all the measures, demands, and eventual concessions which may have been proposed or contemplated, would be extremely impolitic, for this might have a pernicious influence in future negotiations, or produce immediate inconveniences, perhaps dangers and mischief, in relation to other Powers. The necessity for such caution and secrecy was one cogent reason for vesting the power of making treaties in the President, with the advice and consent of the Senate,

'the principle on which that body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand and have, as a matter of course, all papers respecting a negotiation with a foreign Power, would be to set a dangerous precedent."

Now, sir, the only principle set forth in this message is contained in the language I have just read. But that principle did not originate with Mr. Folk. It had its origin many years ago, in the Cabinet of the first, and best, and greatest of our Presidents. If, therefore, the denunciations we have heard be deserved, they attach properly to General Washington, the originator of the harmful sentiment, and not to Mr. Polk, the *second-hand* propagator of it. Yes! General Washington is responsible for all the consequences and tendencies of that principle. He it was, who devised it. He it was, who, if the gentleman from Mississippi be right, first contemplated the odious project of reducing the members of this House to mere scribes, and the recorders of Presidential edicts. He it was, who, if those opposed be correct, had the coldness of heart, and the depravity of soul, in full view of the French people struggling to tear asunder the fetters of a cruel despotism, and to walk forth into the daylight of freedom, to desire to carry his country backwards to the midnight prison-darkness from which outraged, unfortunate, insulted France, was striving with such energy to emerge. This is the revolting, terrible conclusion to which the sentiments of the members on the other side must irresistibly drive them. Gentlemen of the opposition, it is vain for you to attempt to escape from this conclusion. Every effort to extricate yourselves, only entwines you more and more in difficulties and embarrassments. I beg you, therefore, to stop. I beseech you to pause and retrace your steps before it is too late. I entreat you to consider whither you are going. You commenced, only a few months since, denouncing the President as responsible for the war with Mexico. You have now arrived at the point of virtually denouncing the Father of his Country, by declaring that the principles he promulgated are the seeds of tyranny. How much further will you advance upon your present course, or how much longer will it be, at your past rate of progress, until you rejoice over the reverses of your country? Most of you already affirm that the present war was unconstitutionally and unnecessarily begun by the Executive. Some of you declare that it is wicked and unjust. From the latter position I fear, I very much fear, that it is but a short step into the ranks of the enemy. Far be it from me, Mr. Chairman, to impugn the motives of any gentleman on this floor. It is not for me to penetrate into the hidden recesses of the human heart and to find out what motives lie concealed there. I apprehend, however, that the members on the other side have been indulging in dangerous experiments of late, and that their patriotism has been subjected to very severe tests. If those experiments be persevered in, their love to their country will soon disappear like the waters of those streams in Mexico which sink into the earth a few miles from their sources and are lost forever.

Mr. Chairman, the gentleman from Mississippi seemed to be aware of the dilemma in which he was involving himself, and, in order to avoid it, he insisted that there is no resemblance between the call made upon Mr. Polk and that made upon

General Washington. A very slight investigation will sweep away all ground for this pretext. Both calls were for information. The information requested by both related to instructions and documents concerning negotiations with a foreign country. The only difference between them is, that the call upon General Washington was for information relative to negotiations which had already been perfected, while the call upon Mr. Polk was for information relative to negotiations now pending and undetermined. General Washington refused the information desired, on the ground that his compliance might have a pernicious influence on future negotiations. Mr. Polk refuses the information desired, on the ground that his compliance might have a pernicious influence on existing negotiations. General Washington's refusal sprung from an apprehension of a remote danger. Mr. Polk's refusal springs from an apprehension of an immediate danger. General Washington thought his yielding to the call of the House would *possibly* produce mischief in relation to other Powers in time to come. Mr. Polk thinks his yielding to the call of the House would *probably* produce mischief in relation to other Powers at the present time. In this way, sir, the comparison of the call upon General Washington with that upon Mr. Polk might be carried to a great length. But it has been pursued sufficiently far to show, that every reason, whether prudential or otherwise, which justifies General Washington for not answering the call of the House, more than justifies Mr. Polk. For what can be more manifest than this, that, if it be impolitic to disclose "all the demands, measures, and eventual concessions which have been made or contemplated in relation to a treaty" already established, it is a thousand times more impolitic to disclose all the demands, measures, and eventual concessions, made or contemplated, in relation to a treaty under negotiation. It cannot be denied, that the very house which made the call alluded to upon General Washington, entertained this notion of the subject. In that call, while all papers relating to Jay's treaty were requested, yet an exception was carefully made of all papers which any then existing negotiation might render it improper to disclose. Indeed, I understood the gentleman from Mississippi to recognize the justness of this distinction. I understood him to declare, expressly, that it would be wrong for the President to communicate to us information touching any existing negotiation. But, strange to tell, in the next breath he denounced Mr. Polk for declining to do that wrong.

There is another circumstance connected with this matter which is worthy of our consideration. It is the fact so ably commented upon by the gentleman from Alabama the other day—the fact, that though the Congress of 1796 controverted some of the opinions advanced by General Washington in his reply to their call, yet they did not, in any manner or form, express or intimate a doubt as to the correctness of the position taken in that reply, and now assumed by Mr. Polk. No, sir, no. The men who participated in the Convention which formed our Federal Constitution, and knew well and intimately its full scope and meaning, silently acquiesced in the correctness of the sentiments which have been assailed with so much bitterness and detraction by the gentleman who preceded me. This, however, is not to be wondered at. That

honorable member is doubtless wiser than our fathers. He belongs to that great and astonishingly-intelligent party which not only comprises all the *elite* of the Union, but has discovered that true patriotism consists in opposing the Administration, right or wrong.

But the gentleman from Mississippi accuses the President of gross inconsistency. He says that Mr. Polk, when a Representative in Congress, asserted the constitutional right of this body to withhold appropriations of money for carrying into effect a treaty, and that now he asserts the Executive has the right to withhold information from us concerning foreign negotiations. If there be any inconsistency in this course, we of the minority are very blind. I will venture to affirm, that there is not a single member on this side of the House who does not hold to the views of Mr. Polk's speech of 1826, declaring that Congress may constitutionally refuse money for the purpose of defeating a treaty stipulation if they think proper to do so; and yet we are equally unanimous in the opinion that it is optional with the President to give us information or not relative to the making of a treaty. It is sheer nonsense, or worse, to pretend that the two doctrines are not compatible the one with the other. The charge of inconsistency against the Executive is ridiculous, and the imputation groundless.

The gentleman from Mississippi urged still further that Mr. Polk, some twenty years ago, voted for an unconditional call for information upon the President of the United States, and that now he considers such a call unconstitutional. Does that gentleman think that we have neither eyes to see, nor ears to hear? It was only this morning that Mr. Polk's response to the call of the House was laid upon our tables. That response contains twenty-nine pages, and embraces a numerous and extensive correspondence; and still the honorable member pretends that Mr. Polk has characterized the call we have made upon him as unconstitutional! Sir, no one has ever doubted the right of Congress to request information of the Executive. All that is contended for is, that when that information relates to foreign negotiations, it is discretionary with the President to furnish it or not, as he may think right and proper. The gentleman from Mississippi made several other efforts to fix the charge of inconsistency upon Mr. Polk; but they were so absolutely childish, that it would be an insult to the understanding of this House to notice them in detail. From the pomp and circumstance with which that very worthy member paraded his authorities, I really apprehended some astounding developments, which would completely annihilate us of the Democracy. I supposed, as a matter of course, that in a little while we would be

"Gone glimmering through the things that were."

I am exceedingly relieved to find, that in the gentleman's agonizing throes, the sentiment of Horace has been realized:

"The mountain labors, and a little mouse is brought forth!"

I am satisfied, Mr. Chairman, that the singular errors the gentleman from Mississippi has committed have not been the result of any natural obliquity of intellect. They are to be attributed solely to the nature of his political associations. It is a rule, I believe universally true, that "evil communications corrupt good manners."

Mr. Chairman, what is the basis of the accusa-

tion that General Washington and Mr. Polk, (I say General Washington and Mr. Polk, for they cannot be separated in this controversy,) by declining to give this House certain information, struck at its rights and insulted its dignity? What was the reason of their refusal? It was, that the House of Representatives might divulge information, to the great injury of the public interests. Is not this position correct? Who believes that any information, of any character, could be kept secret by this House for twelve hours after it was communicated? "In the multitude of counsellors," it is said, "there is safety;" but there is no secrecy. The denunciations, therefore, which we have heard against General Washington and Mr. Polk are, that they spoke the truth. This is not the first time that Mr. Polk has been assailed for telling the truth. He has been vilified, abused, and calumniated by partisan presses and partisan orators, from one end of the Union to the other, because, at the commencement of the last session of Congress, he said, that they who attacked the war as wicked, did, in fact, give aid and comfort to the enemy.

Mr. GAYLE, (interposing.) I ask the gentleman if he endorses that declaration of Mr. Polk.

The CHAIRMAN. Does the gentleman from Missouri yield the floor?

Mr. HALL. No; like the gentleman from Mississippi, I cannot yield.

Mr. GAYLE, (taking up his sentence above.) If he does, I call him to order.

Mr. HALL. I reiterate what I said in the beginning of my remarks, that I intend no personal allusion. But to proceed. For making the declaration I have mentioned, the President has been branded as wishing to suppress the freedom of speech, and to overturn the Constitution of the country. And yet, who does not know that he spoke only the truth? Who does not know that every denunciation of the war by our citizens is proclaimed throughout the whole length and breadth of Mexico? Who does not know that the speeches of honorable members of Congress have been published in Mexican newspapers, and read at the head of Mexican armies, to incite them to attack our troops? Who does not know that the people of Mexico have read and thought over these productions until they believe there is a Mexican party in this country, and Mexican Representatives on this floor? Who does not know that the war has been prolonged by American pens and American speeches? It is futile to deny it; it is folly to attempt to conceal the fact that peace would long since have been established if we had all been as anxious for an honorable termination of hostilities as some of us have been to reach the places of power by overturning the Administration. Sir, much of the blood that waters Mexican soil has flowed because of the conduct of some of our countrymen here at home. That blood cries aloud for vengeance against the defamers of their country. Those cries shall be heard. Americans who have inspirited the enemy to fight on, shall not be forgotten. Oblivion is a mercy they shall never know. The forked lightnings of popular indignation shall yet descend upon the foreheads of these untimely disputants, and burn upon their brows a mark of reprehension which shall remain there forever and ever. Their names shall go down to posterity along with the names of those who opposed the

war of 1776 and 1812, as negative examples to deter future generations from the commission of similar outrages.

Mr. Chairman, it is no new thing for a President of the United States to declare that information requiring secrecy cannot be intrusted to this House. The gentleman from Alabama read to us, the other day, two messages from President Monroe, and one from President Jackson, announcing that certain information could not be furnished this body, because the disclosure of it would do injury to the public good. True, as is said, the resolutions to which those messages were responsive contained exceptions of such information as it might be improper to disclose. But the information was not denied because of that exception. On the contrary, both of those Presidents boldly and distinctly state, that the information is withheld, because to impart it would be detrimental to the public interest. Did any one say, when those messages were received, that they contained the sentiments of tyrants? Oh, no! It was left to the gentlemen on the other side, with their profound understandings, their extensive and varied information, their enlarged experience, their keen perceptions, and their ardent patriotism, to disclose the hidden danger, and "to see things not to be seen."

But, sir, not only have Presidents entertained the opinion that certain information could not with propriety be communicated to Congress, but almost every Congress which has assembled since the formation of our Government has expressed the same opinion. In nearly all the resolutions which have ever passed this House or the Senate, asking for information, a proviso has been inserted excepting and excluding such information as it might be improper to make public. Now, why was this? What does it mean? Does it not mean that they who passed those resolutions thought that Congress could not keep secret confidential communications? And are we more faithful than our predecessors? Is this the only House of Representatives out of thirty which has been trustworthy? I believe that there are one hundred and twelve members belonging to this House who were members of the last Congress. The last House of Representatives passed numerous calls for information, but all of them contained the usual exception. That body, therefore, thought that one hundred and twelve members having seats on this floor, could not be intrusted with information the disclosure of which would injuriously affect the public welfare. I know, sir, that we have a much better opinion of ourselves than our predecessors had. But I have yet to learn that immodesty is a virtue; I have yet to learn, that they who consider themselves immaculate are freest from blemishes; I have yet to learn, that they who think they can do no wrong, are surest always to do right. Mr. Chairman, let us reflect upon some of the occurrences of the present session of Congress. Many resolutions have been introduced by different members. One of those, introduced by a Representative from Massachusetts, was so odious, that though a simple resolution of inquiry, it received but fifty-four votes out of one hundred and seventy-nine that were cast. But a gentleman from New York introduced a series of resolves, so hideous in all their features, that, contrasted with them, the Massachusetts bantling is beauty itself. I ask

the indulgence of the committee whilst I read one or two of those resolves:

"Resolved, That the invasion of the territories of Mexico, south and west of the Rio Grande, either by sea or by land, and the storming and capturing of her towns, and the slaying of her people within such territories, were acts of *injustice, cruelty, and wrong*; and that the requiring of Mexico, at the peril of her national existence, to enter into treaty stipulations with us, while her country is surrounded by our navy, her capital and chief towns in our possession, her country subjugated, and her people crushed and prostrate beneath our power, and with our resistless cannon frowning upon her, and our conquering sword gleaming over her, is unreasonable and unfair towards Mexico, as one of the contracting parties, and *unmagnanimous and unchristian* in us."

"Resolved, That the present war with Mexico should not be prosecuted any further for any purpose whatever; that the whole of our forces in the Mexican country should be withdrawn as speedily as possible, and placed on territory which belongs to this country," &c.

Now, sir, I do not question the probity of the mover of these resolves. I admit that he is entirely honest; but being honest, he must believe that every advance of our armies into the heart of Mexico is over right and justice; that every Mexican who falls before the arms of our soldiers falls a victim to wrong and outrage; that every Mexican city we take, every Mexican town we enter, every Mexican fort we storm, is in the course of rapine and cruelty; that all our boasted victories are the rewards of iniquity, and all our bright trophies burning proofs of our dishonor. Being honest, he must needs rejoice at any event which would snatch our standards from their high places of triumph, and trail them in the dust, tattered and torn, before the shouts of an exulting foe. Being honest, he would necessarily exult over the discomfiture of our generals, and recognize, in the murder of our troops by Mexican arts, the hand of a just and an avenging Deity. Being honest, he would consider it a duty to disclose any information which would expose our weakness, and build up the strength of the enemy. And if, perchance, through his means, our forces should be driven this side the Del Norte, he would think that he had performed a service to his race which should gain for him the esteem of all good men in this world, and everlasting bliss in the world which is to come. I know not what others may wish, but for myself, anxious though I am for light and knowledge, yet convinced that "Mexico, in her intercourse with us, has been faithless in the fulfilment of her treaty engagements, and the obligations imposed by the law of nations, and the code of personal honor;" convinced that "she has been guilty of the most open violation of the truth, and of the most contemptible and disgraceful crimes known to the Old Bailey Calendar;" convinced that the property of our citizens has been illegally seized by Mexican officers; that our vessels have been condemned without the shadow of law; that some of our citizens have been incarcerated in Mexican prisons without cause, and that others have been butchered and robbed by Mexican officials, with impunity; convinced that the wrongs we have borne at the hands of Mexico are such as no free people should ever submit to, and that this war has been forced upon us by Mexico, in the prosecution of her nefarious designs; convinced of all this, I, for one, cannot desire the communication of any information to this House, constituted as it is, the disclosure of which can, in the slightest degree, be detrimental to the public interest in the present posture of affairs.

Mr. Chairman, unless I am very much deceived, the gentleman from Mississippi declared, that to the whole of our inquiry which we addressed to the Executive, that functionary had said "no, this thing belongs to me in my executive capacity, and is required by the strength and splendor of my executive prerogative." I must say, that in view of all the facts before us, this is a most remarkable declaration. The information we asked for was not confined to the correspondence with our Minister, Mr. Slidell, but embraced also the instructions which had been given our officers of the army or navy, concerning the return of Santa Anna, Paredes, or any other Mexican, to the Republic of Mexico. The call upon the President is in these words:

"Resolved, That the President of the United States be requested to communicate to this House any instructions which may have been given to any of the officers of the army or navy of the United States, or other persons, in relation to the return of President General Antonio Lopez de Santa Anna, or any other Mexican, to the Republic of Mexico, prior or subsequent to the order of the President, or Secretary of War, issued in January, 1846, for the march of the army from the Nueces river, across the 'stupendous deserts' which intervene, to the Rio Grande. That the date of all such instructions, orders, and correspondence, he set forth, together with the orders and instructions issued to Mr. Slidell, at any time prior or subsequent to his departure for Mexico, as Minister Plenipotentiary of the United States to that Republic."

"Resolved, That the President be requested to communicate all the orders and correspondence of the Government in relation to the return of General Paredes to Mexico."

These are the resolutions constituting the call upon the Executive, alluded to by the honorable member from Mississippi. But instead of the President's refusing us all the information we requested, as has been intimated by the gentleman from Mississippi; instead of his meeting our call for information, "by saying that we have no need of knowledge, and are not of a character to receive it," (as has been asserted by the gentleman from Ohio,) Mr. Polk has given us complete information concerning every subject in the purview of the resolutions of this House, except the instructions to our foreign Minister. Yes, sir, notwithstanding all that has been said to the contrary, we have upon our tables at this moment a voluminous communication, in answer to those resolutions, from the President, consisting of a message from himself, and reports furnished by the Secretaries of State, War, and Navy, comprising every order and instruction issued to any officer of our army or navy concerning the *return* of the very redoubtable "President General Lopez de Santa Anna to the Republic of Mexico."

For the benefit of the gentleman from Mississippi, who seems to be perfectly in the dark upon this subject, I will read a list of the documents which accompanied the special message of the President of the United States.

1. Letter from Mr. Bancroft, Secretary of the Navy, to Commodore Conner, dated May 13, 1846.

2. Instructions from the Secretary of the Navy, to the commander of the home squadron, dated May 13, 1846, respecting the blockade of Mexican ports.

3. Letter from Com. Conner to the Secretary of the Navy, dated at Sacrificios, August 16, 1846.

4. Extract of a letter from Commodore Conner to the Secretary of the Navy, dated off Vera Cruz, August 25, 1846.

5. Address of General Antonio Lopez de Santa Anna to his countrymen, upon the subject of a plan, proclaimed for the real regeneration of the Republic, issued at Vera Cruz, August 16, 1846, and enclosed by Commodore Conner.

6. Letter from Hon. Thomas H. Benton to Mr. Mason, Secretary of the Navy, dated April 5, 1847.

7. Letter from the Secretary of the Navy to William Carey Jones, Esq., dated May 3, 1847.

8. Letter from Mr. Jones to the Secretary of the Navy, dated May 4, 1847.

9. Letter from the Secretary of the Navy to the commandant of the navy-yard at Norfolk, dated May 4, 1847.

10. Despatch (No. 15) from Commodore Perry to the Secretary of the Navy, dated at Anton Lizardo, August 18, 1847, with its enclosures.

11. Duplicate of Commodore Perry's despatch (No. 23) to the Secretary of the Navy, dated at Vera Cruz, 7th of September, 1847, with the accompanying papers.

12. Letter from the Secretary of the Navy to Commodore Perry, dated October 20, 1847.

13. Letter from J. Y. Mason to the President, dated Navy Department, January 12, 1847.

14. Letter from W. L. Marcy, Secretary of War, to the President of the United States, dated January 12, 1848.

15. Letter from Henry Wilson, Colonel United States army commanding, to Hon. William L. Marcy, Secretary of War, dated Vera Cruz, August 15, 1847.

16. Letter from the same to the same, dated Vera Cruz, August 31, 1847.

17. Letter from the same to Francis Gifford, Esq., H. B. M. Consul, Vera Cruz, dated Vera Cruz, August 30, 1847.

18. Letter from F. Gifford, H. B. M. Consul, to Colonel Wilson, Governor of the city of Vera Cruz, dated August 27, [30,] 1847.

19. Letter from W. L. Marcy, Secretary of War, to Colonel Henry Wilson, dated Washington, September 24, 1847.

20. Letter from Colonel Henry Wilson, Colonel United States army commanding, to Hon. William L. Marcy, Secretary of War, dated Vera Cruz, October 19, 1847.

21. Letter from W. L. Marcy, Secretary of War, to Major General Z. Taylor, dated July 27, 1846.

22. Letter from James Buchanan to the President of the United States, dated January 12, 1848.

23. Letter from James Buchanan to George Bancroft, Esq., &c., &c., dated September 14, 1847.

24. Letter from George Bancroft to Viscount Palmerston, &c., &c., &c., dated October 8, 1847.

25. Letter from Palmerston to George Bancroft, Esq., &c., &c., &c., dated October 12, 1847.

26. Letter from the same to the same, dated November 16, 1847.

Now, sir, these letters were laid upon our tables this morning. They are in the possession of every one of us, and contain all "the instructions given to the commander of our fleets in relation to the return of Santa Anna." Yet the gentleman from Mississippi has had the recklessness to assert that to our call for "the instructions given to the commander of our fleets in relation to the return of Santa Anna," the President has returned an emphatic and supercilious negative, and has sheltered

his refusal under the name of his "executive prerogative." How that member fell into so glaring a mistake, (for I am sure it was not intentional,) I cannot understand. I think, however, it is much to be regretted, since he indulged at all in the extraordinary course of remark with which he has favored us, that he did not give full swing to his imagination. Had he done so, he might not only have added very much to the *fancy sketch* which he drew of Mr. Polk, but he might at the same time have exalted his own name for poetical genius. As it is, he will certainly always stand very high among members of this House for great brilliancy and power of conception—a brilliancy and power which enables him to be blind to the things that are, and to see *most distinctly* "the things that are not."

The gentleman from Mississippi also insisted that the instructions given to Mr. Slidell cannot be regarded as relating to a negotiation, but are properly documents concerning the origin of this war. Why, sir, is that gentleman not aware that hostilities still exist with Mexico? Is he not aware that peace can only be restored by a treaty between the belligerent powers? Is he not aware that all propositions made by our Government concerning our difficulties with Mexico must bear immediately and directly upon any negotiation which may be entered into between that country and this? Has that gentleman forgotten, too, that the instructions given to Mr. Slidell were never acted upon? that the Government of General Herrera was overturned for consenting to consider whether he would receive our Minister Plenipotentiary or not, and that Paredes was raised to power on its ruins, breathing fire and war against us for having annexed Texas to our Union? The instructions to Mr. Slidell connected with the origin of this war! I am astonished that any one should have the hardihood to assume such a position. Those instructions, I repeat it, were never acted upon at all, and have had, and could have had, no more to do with existing difficulties than though they had never been issued.

The gentleman from Mississippi did not stop here. His morbid appetite for denunciation was not yet satisfied. Continuing his assaults upon the President, he charged that Mr. Polk "would not permit the Government of Herrera, which was friendly to our country, to exist; but, by plotting against it, and by the embarrassment he pressed upon it, he overthrew it, and placed the affairs of Mexico in the hands of a bitter enemy to the United States." What, think you, sir, was the embarrassment pressed upon General Herrera, which has been assailed by the member from Mississippi, with his usual candor and decorum? What was the plot by which, in his view, the President of the United States placed the control of Mexican affairs in the hands of "a bitter enemy" to this country? The only embarrassment ever pressed upon the Government of General Herrera by our Executive was the redress of our grievances; the only plot contrived against it by our President, was the settlement of our difficulties with Mexico. In order to prevent the effusion of blood, to avoid the horrors of war, and to secure the blessings of peace, Mr. Polk despatched a Minister Plenipotentiary to the Republic of Mexico, for the purpose of adjusting, amicably, all the misunderstandings between the two countries.

And this, an honorable member terms plotting; this he denounces as embarrassing the friendly administration of General Herrera! What shall we hear next? or, rather, what shall we not hear? When the President of the United States seeks to negotiate with Mexico, and to establish a treaty of amity between the two Republics, the Opposition impute to him a design of embarrassing the Mexican Government. When, at length, our Minister having been insultingly expelled from Mexico, and war having been forced upon us by that nation, the President of the United States, in obedience to an act of our Congress recognizing the existence of hostilities, draws the sword in defence of the rights and honor of the country, the Opposition declare that we should negotiate. Sir, these gentlemen, their conduct, and their motives were well described by one of our great statesmen, in the year 1813: "We see them, sir," then said Mr. Clay, "tacking with every gale, displaying the colors of every party, and all nations; steady 'only in one unalterable purpose—to steer, if possible, into the haven of power."

The gentleman from Mississippi took occasion, in the course of his remarks, to sneer at the expression "indemnity for the past and security for the future." That honorable member certainly cannot be aware of the origin of that expression. It was the answer made by *Mr. Clay, of Kentucky*, in this House, in his great speech upon the army bill in 1813, in reply to the Federalists who were incessantly inquiring in relation to the war which then existed, "What was to be accomplished, and how it was to be accomplished?" "INDEMNITY FOR THE PAST AND SECURITY FOR THE FUTURE," was then the maxim of the Democracy. It is still the maxim of the Democracy. "THE WAR IS WICKED, UNJUST, UNCHRISTIAN, AND SHOULD NOT BE PROSECUTED ANY FURTHER, FOR ANY PURPOSE WHATEVER," was then and still is the maxim of the Opposition. One of the objects of the war of 1812—"indemnity for the past"—was defeated by the unpatriotic course of the Federal party of that era—a course which impaired our strength by the creation of schisms among our people. The opponents of that war have had their reward. Their names are now a by-word and a reproach. They are remembered only to be despised. Are the gentlemen on the other side resolved to shut their eyes and to stop their ears to the teachings of the past and to the instructions of experience? Are they determined "never to forget and never to learn anything?" If they are wise, they will rally around the flag of their country until the last hope of resistance departs from Mexican hearts, until our conquered foe lies humbled and a suppliant at our feet. They will shun, as the deadliest poison, the course of those who, in their day and generation, were reckless enough to raise their voices against our country in our second struggle with the British empire.

Mr. Chairman, in following the gentleman from Mississippi in his windings, I have somewhat departed from the subject to which it was my design to confine myself. I now return to the point from which I have digressed. The President has usurped authority—he has violated the Constitution. That is the cry which has been rung through this House. By the second section of the second article of the Constitution of the United States, it is ordained, "That the President shall have power, by and with the

'advice and consent of the Senate, to make treaties, "provided that two-thirds of the Senators present concur." This clause excludes the House of Representatives from any participation in the making of treaties. But is it not plain, that if this House can demand, and have as a matter of course, all the papers relating to a foreign negotiation, it can generally defeat and always embarrass the legitimate action of the treaty-making power, by disclosing those papers? The admission of such an unqualified right makes this House at once, to all intents and purposes, a part of the treaty-making power. But, say gentlemen, by the third section of the second article of the Constitution, it is declared, "That the President shall from time to time give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." Now, I admit that by this section the duty is imposed upon the President to furnish us with information "from time to time" as we may need it. But is he not to judge for himself the obligations of that duty? Are we the keepers of the President's conscience, and can we direct him—not advise him, but direct him—as to his proper course of conduct? When Mr. Jefferson was President he declared the alien law unconstitutional, though it had been approved by his predecessor, and, I believe, by the Supreme Court also, and treated its provisions as null and void. General Jackson went equally far in asserting the right of the Executive, and his duty, too, to interpret the Constitution for himself. The correctness of this position is, I apprehend, generally concurred in by the country. If the President abuses any of his rights, if he misuses his discretion, he can be impeached, tried, punished, and disgraced. In this way, and in this way alone, can the President be reached. That Mr. Polk has abused his powers in the present instance, I do not think any impartial man can for a moment believe. What has he done? This House has asked him for information relative to the instructions given to one of our foreign ministers. He has withheld that information, because, to impart it, would, in his opinion, be to throw down the barriers erected by the Constitution around the treaty-making power, and to disclose to Mexico all "the measures, demands, and eventual concessions" contemplated with regard to her, and thus give her such an advantage in a negotiation with us as no nation nor individual should voluntarily yield to an antagonist. As much astounded as gentlemen on the other side may seem at the avowal of this doctrine, there is nothing very alarming in it. The Executive is not the only department of our Government which is vested with a large discretion. Owing to the great imperfection of human institutions, every department must have a discretion. Without looking all through the Constitution, let me ask the attention of the committee to the fifth section of the first article of that instrument. It is as follows: "Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment require secrecy." By this clause, each House of Congress is constituted the exclusive judge of what it shall keep secret. We cannot interfere with the Senate in this respect, nor can the Senate interfere with us. Now, are not all the departments of this Gov-

ernment coördinate? Is not each independent of all the others? Can either interfere with the legal action of any other? If, in our opinion, it be necessary to suppress the publication of any part of our Journals, in order the better to enable us to conduct our business and discharge our duties, no power on earth can compel us to make those Journals public. And so I contend, that if the President of the United States believes that any papers or documents relating to a negotiation—a subject peculiarly intrusted to him by "the charter of our liberties"—should be kept secret, it is not competent to us to require him to publish them to the world. If he wrongfully withholds information, our only remedy is IMPEACHMENT. I am aware that the assertion of this sentiment by the Administration is said to be usurpation, tyranny, despotism, an infringement of the rights of Congress, an enlargement of Executive discretion, and everything else that is bad and wicked. No one will oppose more strenuously than myself any and every illegal act on the part of the Executive. But I cannot be induced, by a cry of Executive usurpation, to interfere, or to seek to interfere, with Executive rights. I am for the compromises of the Constitution. Upon the main-tainance of those compromises depends our chief safety. But I am altogether deceived if the history of the country does not show that those compromises are in as much danger from Congressional as Presidential aggression. It was Congress, and not the President, that originated the system of internal improvements, which was only partially stayed by the veto of Jackson, and which has threatened, and still threatens, to reduce our States to mere dependencies upon the Federal Government, and to result in consolidation—the worst possible form of despotism. It was Congress, and not the President, that sought to fasten upon the country an overshadowing moneyed corporation, which had begun to declare its decrees were the will of the people—a corporation which has become "an obsolete idea" only through the independence of one of our Chief Magistrates. It was Congress, and not the President, that established that infamous robber system, cloaked under the name of protection, which is calculated, if not intended, to strip one part of the Union for the benefit of another, and has already once brought us to the very verge of destruction. We are all old enough to remember when one of our sister States, stung beyond endurance by the tariff of 1828, declared that disunion was preferable to the wretched state of existence to which she was reduced, and assumed a hostile attitude towards the Federal Government. We can never forget the alarm and excitement, the intense alarm and excitement, which that singular affair produced. The sun of our Republic seemed about to set in blood. Our political organization appeared tottering to its fall. The fires of sectional animosity flashed upon the skies. The rocking of the earthquake was felt. The ocean was boiling and raging from the violence of the commotions beneath. Our gallant bark of state was rushing and plunging headlong upon that rock of civil discord, around which lay scattered the remnants of so many former republics. At this time of great need, the Executive arm was wielded to our rescue. At this time, (thank God for it,) at this time, there stood at the helm of affairs a man whose arm never trembled and whose eye never failed him; and

steering us clear of the peril which threatened, he conducted us into the haven of safety, and showed at our mast-head "the stars and stripes," bearing upon their ample folds the thrilling motto, "The Union must and shall be preserved!" I am gratified that Mr. Polk has avowed the determination to adhere to the compromises of the Constitution. Let him remain firm to that determination, and the cup of his fame will be full. Let him remain firm

to that determination, and "the star of his civil reputation will be fixed high in the political firmament," far above the clouds and storms of party warfare. Let him remain firm to that determination, and his exit from the Presidency will be as honorable as his entry into it; his countrymen will follow him to his retirement with gratitude, and proclaim him the worthy successor of the illustrious man of the Hermitage.